

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

LAMYRON DUDLEY FREEMAN	§	
	§	CIVIL ACTION NO. 6:05cv56
JAMES CAMPBELL	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Lamyron Freeman, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Freeman complained of an incident which occurred in the Rusk County Jail. The sole named Defendant in the lawsuit is Sheriff James Campbell, whom Freeman apparently sued because of his position of authority as Sheriff. After review of the complaint, the Magistrate Judge issued a Report on July 28, 2005, recommending that the lawsuit be dismissed. A copy of this Report was sent to Freeman's last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

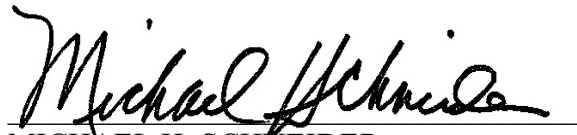
The Court has examined the Plaintiff's pleadings, the Report of the Magistrate Judge, and all documents and records in the case. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous. Such dismissal concerns the Plaintiff Lamyron Freeman's claims against Sheriff Campbell and shall have no effect upon his right to file a lawsuit against any individual or individuals whom he believes has been personally involved in a deprivation of his constitutional rights. It is further

ORDERED that any and all motions which may be pending in this lawsuit are hereby DENIED.

SIGNED this 2nd day of September, 2005.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE